Honolulu, Hawaii

February 23

RE: H.B. No. 2302 H.D. 2

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2014 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2302, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BEHAVIORAL SUPPORT REVIEW OF RESTRAINTS AND SECLUSION,"

begs leave to report as follows:

The purpose of this measure is to authorize the Department of Health to conduct multidisciplinary and multiagency behavioral support reviews of restraints or seclusion used on persons with developmental or intellectual disabilities. Further, this measure authorizes the disclosure, use, and review of relevant information that may otherwise be prohibited based on privacy or confidentiality concerns and limits civil and criminal liability of agencies and individuals participating in behavioral support reviews for the use or review of information, records, and activities.

The Department of Health; State Council on Developmental Disabilities; United Public Workers, AFSCME, Local 646, AFL-CIO; and a few concerned individuals testified in support of this measure. The Hawaii Association for Justice provided comments.

Your Committee has amended this measure by:

(1) Adding definitions for "developmental period" and "residential support services";

- (2) Clarifying the immunity language by specifying that agencies and individuals participating in an authorized review shall not be civilly or criminally liable for providing information regarding the restraint or seclusion of a person with developmental or intellectual disabilities for purposes of the authorized review; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2302, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2302, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair

State of Hawaii fouse of Representa s The Twenty-seventh Legislature

HSCR 894-14

Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:	Date		
HB 2302, HDI		0,	2/25/14	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold				
☐ Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)				
2. HAR, Sharon E. (VC)				/,
3. BELATTI, Della Au		"我我我们要就		A Charles
4. BROWER, Tom				
5. CREAGAN, Richard				
6. ITO, Ken				
7. KAWAKAMI, Derek S.K.				
8. LEE, Chris	Software superposed by the Sala Sala Sala Sala Sala Sala Sala Sal		a single di single annu re constituti di sono di	
9. NAKASHIMA, Mark M.				
10. TSUJI, Clift				Expression comments of S
11. WOOLEY, Jessica				
12. MCDERMOTT, Bob		**************************************	A\$75 4.20 Cmm	
13. THIELEN, Cynthia				
-				_
TOTAL (13)	_ 10			3
The recommendation is: Adopted If joint referral, did not support recommendation. Committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				